

Amendment and Response

Applicant: John A. Krueger

Serial No.: 10/037,795

Filed: January 3, 2002

Docket No.: SPEC – 6137

Title: BONE MARROW ASPIRATION DEVICE WITH CURVED TIP

REMARKS

This is responsive to the Non-Final Office Action mailed September 20, 2007. In that Office Action, claims 1, 11, and 17 were rejected under 35 U.S.C. §102(b) as being anticipated by Luther et al., U.S. Publication No. 2002/0103463 (“Luther”). Claims 7-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Luther in view of Golba, Jr., U.S. Patent No. 5,919,172 (“Golba, Jr.”). Claims 12-14 were allowed, and claims 15 and 16 were indicated as being allowable.

With this Response, claims 6 and 17 have been cancelled; claims 7, 9, 11, 15, and 16 have been amended; and claims 18-22 added. Claims 7-16 and 18-22 are pending in the application and are presented for consideration and allowance.

35 U.S.C. §§102, 103 Rejections

Claims 6 and 17 have been cancelled without prejudice, thereby obviating the rejections of claims 6 and 17.

Claim 15 is presented in independent form, incorporating features of now-cancelled claim 6. In view of the Examiner’s indication that claim 15 would be allowable if rewritten in independent form, it is respectfully submitted that claim 15 is in condition for allowance. Claims 7-11 now depend, either directly or indirectly, from claim 15. Thus, it is respectfully submitted that claims 7-11 are allowable.

Claim 16 is now presented in independent form, incorporating features of now-cancelled claim 6. In view of the Examiner’s indication that claim 16 would be allowable if rewritten in independent form, it is respectfully submitted that claim 16 is in condition for allowance.

Newly Presented Claims

Newly presented claims 18-22 each depend from claim 16. Thus, it is respectfully submitted that claims 18-22 are allowable.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 7-16 and 18-22 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 7-16 and 18-22 are respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 500471.

Any inquiry regarding this Amendment and Response should be directed to Daniel C. Stelter at Telephone No. (847) 578-6650. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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